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Approved: 

DOMINIC A. GENTILE/EMILY A. JOHNSON  
Assistant United States Attorneys

Before: HONORABLE SARAH L. CAVE  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA	: SEaled COMPLAINT
- v. -	: Violation of 21 U.S.C.
	: §§ 841(a)(1),
RAUL POLANCO, and	: 841(b)(1)(B), and 846
JUAN DAVID DUTAN,	: COUNTY OF OFFENSE:
	: NEW YORK
Defendants.	:
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SOUTHERN DISTRICT OF NEW YORK, ss.:

CHRISTOS DEFTEREOS, being duly sworn, deposes and says that he is a Task Force Officer with the Drug Enforcement Administration ("DEA"), and charges as follows:

COUNT ONE

1. From in or about March 2019 to in or about December 2019, in the Southern District of New York and elsewhere, RAUL POLANCO and JUAN DAVID DUTAN, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that RAUL POLANCO and JUAN DAVID DUTAN, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substances that RAUL POLANCO and JUAN DAVID DUTAN, the defendants, conspired to distribute and possess with intent to distribute were: (a) 40 grams and more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(B);

and (b) and mixtures and substances containing a detectable amount of oxycodone, in violation of Title 21, United States Code, Section 841(b) (1) (C).

(Title 21, United States Code, Section 846.)

The bases for my knowledge and the foregoing charge are, in part, as follows:

4. I am a Task Force Officer with the DEA. I have been personally involved in the investigation of this matter. This Affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals. Because this Affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. Since at least in or about March 2019, the DEA has been investigating a drug trafficking organization ("DTO") based out of the Dominican Republic that is responsible for shipping large quantities of pills, including oxycodone and fentanyl, from the Dominican Republic to New York City. During that time, agents began receiving information about members of the DTO and were able to introduce an undercover law enforcement agent ("UC-1") posing as a narcotics distributor, to certain DTO members.

6. In addition to the direct sales to UC-1, members of the DTO have also distributed narcotics to buyers across the country by mailing shipments of oxycodone and fentanyl through the United Postal Service's Priority and Express Mail service.

The March 13, 2019 Sale

7. Based on my participation in this investigation, my review of reports and records, and my conversations with other law enforcement personnel, including UC-1, I have learned, among other things, the following:

a. In or about March 2019, UC-1 was introduced to RAUL POLANCO, the defendant. UC-1 assumed the role of a potential customer of the DTO, who intended to purchase pills that the DTO shipped to New York City from the Dominican Republic.



b. On or about March 11, 2019, UC-1 spoke with POLANCO for the first time and introduced him/herself as a potential customer, who was seeking to purchase large quantities of oxycodone pills. UC-1 asked POLANCO, in substance and in part, whether POLANCO could supply UC-1 with oxycodone. POLANCO responded, in substance and in part, that he would be able to provide UC-1 with oxycodone and various other types of drugs. UC-1 and POLANCO agreed to meet on March 13, 2019 to complete the transaction for oxycodone.

c. On or about March 13, 2019, UC-1 met with POLANCO at a location in Manhattan in order to purchase what POLANCO represented were 310 pills of oxycodone. UC-1 met with POLANCO later that day and POLANCO handed UC-1 approximately 310 pills in exchange for \$3,750. This meeting was video and audio recorded.

d. I have reviewed DEA lab results for testing performed on the 310 pills that POLANCO sold to UC-1 on or about March 13, 2019, which found that approximately 100 pills tested positive for oxycodone and approximately 100 pills tested positive for fentanyl. The approximately 100 pills of fentanyl weighed approximately 9.7 grams.

#### The April 4, 2019 Sale

8. Based on my participation in this investigation, my review of reports and records, and my conversations with other law enforcement personnel, including UC-1, I have learned, among other things, the following:

a. On or about April 4, 2019, UC-1 spoke with RAUL POLANCO, the defendant, who using a phone ending in the number 6164 (the "6164 Phone") and agreed to meet with him at a location in Manhattan in order to purchase 247 oxycodone pills. UC-1 met with POLANCO later that day inside of UC-1's vehicle. POLANCO handed UC-1 a small package containing what POLANCO represented were 250 oxycodone pills, in exchange for \$4,500. This meeting was video and audio recorded.

b. I have reviewed DEA lab results for testing performed on the approximately 247 pills that POLANCO sold to UC-1 on or about April 4, 2019, which found that the pills tested positive for fentanyl and weighed approximately 28.5 grams.

The July 29, 2019 Sale

9. Based on my participation in this investigation, my review of reports and records, and my conversations with other law enforcement personnel, including UC-1, I have learned, among other things, the following:

a. On or about July 17, 2019, UC-1 spoke with RAUL POLANCO, the defendant, who was using the 6164 Phone. POLANCO told UC-1, in substance and in part, that he (POLANCO) was in the Dominican Republic for the time being, but that if UC-1 needed to make additional purchases of oxycodone, UC-1 should contact POLANCO's brother-in-law, who was later identified as JUAN DAVID DUTAN, the defendant. POLANCO explained that DUTAN would be able to provide any amount of pills that UC-1 needed and provided UC-1 with a phone number ending in 8045 (the "8045 Phone") that POLANCO identified as the contact number for DUTAN.

b. On or about July 29, 2019, UC-1 spoke with DUTAN, who was using the 8045 Phone, and agreed to meet with DUTAN at a location in Manhattan in order to purchase 250 oxycodone pills. UC-1 met with DUTAN who provided UC-1 with what DUTAN represented were 250 pills of oxycodone in exchange for \$4,000. This meeting was video and audio recorded.

c. I have reviewed DEA lab results for testing performed on the approximately 250 pills that DUTAN sold to UC-1 on July 17, 2019, which found that the pills tested positive for fentanyl and weighed approximately 32.5 grams.

The August 19, 2019 Seizure

10. Based on my participation in this investigation, my review of reports and records, and my conversations with other law enforcement personnel, including UC-1, I have learned, among other things, the following:

a. On or about August 6, 2019, at approximately 1:20 p.m., I and other law enforcement personnel established surveillance in the area of 1551 University Avenue, Bronx, New York. At approximately 4:37 p.m., JUAN DAVID DUTAN, the defendant, was observed exiting the apartment building at that location carrying a plastic bag. Agents followed DUTAN to a United States Post Office located at 520 West 181 Street in Manhattan where DUTAN approached a service window, and removed a package from the bag that he was carrying and handed it to the postal employee. DUTAN was observed exiting the post office shortly thereafter.



b. Agents followed DUTAN to a building located at 150 Haven Avenue in Manhattan where a surveillance camera captured him entering apartment 3A at approximately 5:08 p.m. and exiting the same apartment at approximately 5:10 p.m.

c. Agents followed DUTAN back to 1551 University Avenue where he was observed entering apartment 13E at approximately 6:08 p.m.

d. Based on my participation in this investigation, and my conversations with other law enforcement agents, including Postal Inspectors from the United Postal Service, I learned, among other things, that DUTAN had mailed the package (the "Package"), which bore tracking label EJ082168570US via USPS Express mail.

e. On or about August 19, 2019, investigators searched the Package, pursuant to a judicially authorized search warrant. The Package was found to contain approximately 100 pills which later tested positive for fentanyl and weighed approximately 55 grams.


The November 13, 2019 Sale

11. Based on my participation in this investigation, my review of reports and records, and my conversations with other law enforcement personnel, including UC-1, I have learned, among other things, the following:


a. On or about November 13, 2019, UC-1 spoke with RAUL POLANCO, the defendant, and agreed to meet with POLANCO at a location in Manhattan in order to purchase 250 oxycodone pills. UC-1 met with POLANCO later that day and handed UC-1 approximately 253 pills of what he represented were oxycodone in exchange for \$4,000.

b. I have reviewed DEA lab results for testing performed on the approximately 250 pills that POLANCO sold to UC-1 on November 13, 2019, which found that the pills tested positive for fentanyl and weighed approximately 27 grams.

WHEREFORE, I respectfully request that warrants be issued for the arrest of RAUL POLANCO and JUAN DAVID DUTAN, the defendants, and that they be imprisoned or bailed, as the case may be.

  
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Christos Deftereos  
Task Force Officer  
Drug Enforcement Administration

Sworn to before me this  
12th day of December 2019.

  
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HONORABLE SARAH L. CAVE  
United States Magistrate Judge  
Southern District of New York

